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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,382	12/12/2003	Eugene Luskin	MSI-1725US	1704
22801	7590	09/15/2009		
LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			EXAMINER KISWANTO, NICHOLAS	
			ART UNIT 3664	PAPER NUMBER
			NOTIFICATION DATE 09/15/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/735,382

Applicant(s)

LUSKIN ET AL.

Examiner

NICHOLAS KISWANTO

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12,15-19,21-23,26-47 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-12,15-19,21-23,26-47 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Action is in response to RCE dated 6/19/2009

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12-23, 26-30, 32-40, and 43-48 are rejected under 35 U.S.C. 103(a) as being unpatentable by Schofield et al (US 7,308,341), in view of Ames (US 6,735,503).

• In regard to claims 1, 12, 43, and 49 Schofield et al discloses a method, program and vehicle comprising:

- Collecting, on a computer maintained within a vehicle, data from a plurality of systems of the vehicle (Column 21, line 15 - Column 22, line 61), wherein the plurality of systems comprises:
 - A diagnostic system from providing one or more diagnostic codes; and at least one of a vehicle security system, an obstacle detection system, a vehicle media system, a vehicle environment system, or a vehicle sound system, wherein each vehicle system is connected to the computer by a respective interface. (Column 21, line 15 - Column 22, line 61)
 - Generating, on the computer, an explanation of a vehicle condition

based on at least one said vehicle diagnostic code comprising a set of symbols, wherein the explanation combines data collected from the diagnostic system with data collected from at least one other vehicle system (Column 21, line 15 - Column 22, line 61), and wherein the generating operation comprises retrieving both a textual explanation of the vehicle diagnostics code and a graphical illustration of a component associated with the vehicle diagnostics code which can be displayed within the vehicle to provide a user-friendly representation of the vehicle condition corresponding to the vehicle diagnostics code (Column 21, line 15 - Column 22, line 61).

- Generating a browsable network document which includes the data from the plurality of systems of the vehicle which has been collected and the explanation of the vehicle condition
- However, Schofield is silent as to the specifics of generating a browsable network document which includes the data from the plurality of systems of the vehicle which has been collected and the explanation of the vehicle condition and transmitting the browsable network document from the vehicle to a remote client where vehicle system data and the explanation of the vehicle condition can be browsed and a severity ranking of the vehicle condition.
- Ames teaches a vehicle that generates a browsable network document which includes the data from the plurality of systems of the vehicle which

has been collected and the explanation of the vehicle condition and transmitting the browsable network document from the vehicle to a remote client where vehicle system data and the explanation of the vehicle condition can be browsed (col 5, line 16-51). Ames further teaches producing a severity ranking of the vehicle condition (col 1, line 50-65). Ames teaches that such steps enable diagnostic data to be consolidated (col 5, line 21-23). It would have been obvious to one of ordinary skill in the art to provide Schofield with Ames' teaches in order to consolidate diagnostic data, as taught by Ames.

- In regard to claims 4 and 15, generating supplemental information related to the vehicle diagnostics code (Column 21, line 15 - Column 22, line 61)
- In regard to claims 5 and 16, wherein the generating supplemental information operation comprises retrieving an estimated price for repairing a condition related to the vehicle diagnostics code. (Column 21, line 15 - Column 22, line 61)
- In regard to claims 6 and 17, wherein the generating supplemental information operation comprises retrieving a location of a vehicle dealership (Column 21, line 15 - Column 22, line 61)
- In regard to claims 7 and 18, further comprising presenting the explanation at a client computer. (Column 21, line 15- Column 22, line 61)
- In regard to claims 8 and 19, wherein the presenting operation comprises presenting the explanation at a local, vehicle based client. (Column 21, line 15 - Column 22, line 61)

- In regards to claims 9, 22, Schofield et al fails to specifically disclose presenting the explanation at a remote client or transmitting the diagnostic code to a remote client. Schofield et al, however, does discuss being able to determine service areas near the vehicle. (Column 21, line 15 - Column 22, line 61) Ames, discloses, being able to send diagnostic data to a remote computer. Ames discusses being able to determine what the fault code is (Abstract), however, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Schofield et al with the ability to send diagnostic codes taught by Ames in order to allow remote computers, such as a dealership, also view what is wrong with the vehicle and make necessary appointments and order necessary parts.
- In regard to claims 10 and 21, further comprising storing an updated explanation of the vehicle condition in a memory. (Column 21, line 15 - Column 22, line 61)
- In regard to claim 23, Schofield et al discloses a vehicle comprising:

A vehicle diagnostic system; one or more other vehicle system; a host computer communicatively coupled to the vehicle diagnostic system and the one or more other systems via respective interfaces, wherein the host computer is configured to collect data from a plurality of the vehicle systems; and generate a deciphered explanation of a vehicle diagnostic code, wherein the deciphered explanation contains a textual explanation of the vehicle diagnostic code and a

graphical illustration of a component associated with the vehicle diagnostic code; and a local client maintained within the vehicle, wherein the local client displays the deciphered explanation. (Column 21, line 15 - Column 22, line 61)

- However, Schofield is silent as to the specifics of generating a browsable network document which includes the data from the plurality of systems of the vehicle which has been collected and the explanation of the vehicle condition and transmitting the browsable network document from the vehicle to a remote client where vehicle system data and the explanation of the vehicle condition can be browsed.
 - Ames teaches a vehicle that generates a browsable network document which includes the data from the plurality of systems of the vehicle which has been collected and the explanation of the vehicle condition and transmitting the browsable network document from the vehicle to a remote client where vehicle system data and the explanation of the vehicle condition can be browsed (col 5, line 16-51). Ames teaches that such steps enable diagnostic data to be consolidated (col 5, line 21-23). It would have been obvious to one of ordinary skill in the art to provide Schofield with Ames' teaches in order to consolidate diagnostic data, as taught by Ames.
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- In regard to claim 26, wherein the host computer is further operable to generate

supplemental information related to the vehicle diagnostic code. (Column 21, line 15- Column 22, line 61)

- In regard to claim 27, wherein the generating supplemental information operation comprises retrieving an estimated price for repairing a condition related to the vehicle diagnostics code. (Column 21, line 15- Column 22, line 61)
- In regard to claim 28, wherein the generating supplemental information operation comprises retrieving a location of a vehicle dealership (Column 21, line 15 - Column 22, line 61)
- In regard to claim 29, further comprising a display device presenting the deciphered explanation. (Column 21, line 15- Column 22, line 61)
- In regard to claim 30, further comprising an audio output device presenting an audio version of the deciphered explanation. (Column 21, line 15 - Column 22, line 61)
- In regard to claim 32, wherein the host computer comprises an updated repository of one or more deciphered explanations associated with one or more vehicle diagnostic codes. (Column 21, line 15 - Column 22, line 61)
- In regard to claim 33, Schofield et al discloses a vehicle-based system comprising:
 - o A diagnostics receiver module receiving a vehicle diagnostics code from a vehicle diagnostics system, the vehicle diagnostics code including a set of one or more symbols and corresponding to a vehicle condition (Column 21, line 15- Column 22, line 61)
 - o One or more interfaces corresponding to one or more other vehicle systems

and configured to receive vehicle systems data from a respective vehicle system
(Column 21, line 15 - Column 22, line 61)

o Means for generating an explanation of the vehicle condition based on the vehicle diagnostics code, wherein the explanation combines data received from the vehicle diagnostics system and at least one other vehicle system, wherein the explanation contains a textual explanation of the vehicle condition and a graphical illustration of a component associated with the vehicle condition
(Column 21, line 15 - Column 22, line 61)

o Means for presenting the explanation of the vehicle condition, wherein the presentation means comprises a local client. (Column 21, line 15 - Column 22, line 61)

- However, Schofield is silent as to the specifics of generating a browsable network document which includes the data from the plurality of systems of the vehicle which has been collected and the explanation of the vehicle condition and transmitting the browsable network document from the vehicle to a remote client where vehicle system data and the explanation of the vehicle condition can be browsed.
- Ames teaches a vehicle that generates a browsable network document which includes the data from the plurality of systems of the vehicle which has been collected and the explanation of the vehicle condition and transmitting the browsable network document from the vehicle to a remote client where vehicle system data and the explanation of the vehicle

condition can be browsed (col 5, line 16-51). Ames teaches that such steps enable diagnostic data to be consolidated (col 5, line 21-23). It would have been obvious to one of ordinary skill in the art to provide Schofield with Ames' teaches in order to consolidate diagnostic data, as taught by Ames.

- In regard to claim 34, wherein the means for generating comprises a computer-readable memory storing a diagnostics information registry having a field storing a reference to the explanation (Column 21, line 15 - Column 22, line 61)
- In regard to claim 35, wherein the means for generating comprises a memory storing explanation of one or more predetermined vehicle diagnostics codes (Column 21, line 15 - Column 22, line 61)
- In regard to claim 36, wherein the memory stores one or more of a graphical explanation, a textual explanation and an audio explanation (Column 21, line 15 - Column 22, line 61)
- In regard to claim 37, further comprising a network communications module communicating explanation over a network (Column 21, line 15 - Column 22, line 61)
- In regard to claim 38, further comprising a media output device presenting the explanation (Column 21, line 15 - Column 22, line 61)
- In regard to claim 39, wherein the media output device comprises audio speakers outputting an audio explanation. (Column 21, line 15- Column 22, line 61)

- In regard to claim 40, further comprising an update module updating information in the diagnostics information registry. (Column 21, line 15 - Column 22, line 61)
- In regard to claim 44, wherein the retrieving operation comprises accessing a memory location storing an updateable explanation (Column 21, line 15- Column 22, line 61)
- In regard to claim 45, further comprising updating the explanation (Column 21, line 15- Column 22, line 61)
- In regard to claim 46, further comprising presenting the explanation automatically in responses to receiving the vehicle diagnostics code (Column 21, line 15 - Column 22, line 61)
- In regard to claim 47, further comprising presenting the explanation in response to a request from a user (Column 21, line 15 - Column 22, line 61)

3. Claims 11 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield, in view of Ames, further in view of Breed (2008/0195261).

As to claims 11 and 31, Schofield discloses the claimed invention as shown above. However it is silent as to the specifics of the remote client being a repair facility.

Breed teaches that sending diagnostic data to a repair facility is commonly well-known [0598]. It would have been obvious and a matter of design choice to one of ordinary skill in the art to provide Schofield with Breed's teaching in order to transmit data to a repair facility.

4. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al.

- In regard to claim 41, Schofield et al discloses all of the limitations discussed in the diagnostics information registry (Column 21, line 15 - Column 22, line 61), however, fails to specifically discuss storing the severity level associated with the vehicle condition, however this is common in a typical vehicle diagnostic system and would have been obvious to one having ordinary skill in the art at the time of the invention to include with the invention of Schofield et al to allow the user to see how severe the error is that is received.
- In regard to claim 42, Schofield et al fails to specifically disclose wherein the vehicle diagnostics code is an onboard diagnostics II code, however, this is common and well known in the art and further used on many vehicles today and would have been obvious to one having ordinary skill in the art at the time of the invention to use OBDII codes since it is what many vehicles today contain.

Response to Arguments

5. Applicant's arguments filed 4/20/2009 have been considered but are unpersuasive. With regards to the previous rejection of claim 20, now claim 49, current Examiner's unfamiliarity with previous Examiner's formatting led to an unamended rejection of claim 20. However, the Applicant is assured that all limitations of claim 20 have been addressed in previous rejection.

With regards to a "browsable network document", Ames clearly shows a display with internet capabilities presenting options to a user in above cited passage of column 5, lines 16-36.

With regards to new amendments of "generating vehicle diagnostics codes when problems occurs with an engine of the vehicle, wherein each vehicle diagnostics code comprises a set of cryptic symbols corresponding to a vehicle condition", Schofield teaches in column 24, lines 20-46 that it can display symbols (*"such as by displaying a message or icon that conveys to the driver or informs driver"*). And while it does not specifically mention engine problems, Schofield teaches that any sort of problem with the vehicle can be communicated to the driver in column 21, line 45-57.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS KISWANTO whose telephone number is (571)270-3269. The examiner can normally be reached on Monday - Friday, 9AM - 6PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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December 9, 2008
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